

ZB# 05-28

Elizabeth Fodrowski

32-2-41.2

ZBA # **05-28** ELIZABETH FODROWSKI
504 RILEY ROAD (32-2-41.2) (USE)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
June 14, 2005

To whom it may concern,

I am writing a letter of withdrawal in regards to my "Use Variance" request. Thank you for your time in this matter. However, I will not be taken advantage of the public hearing in which I could retry for permission to build. I accept the decision of the board to decline my original request of putting a seperate, second home on a single home property.

Sincerely,

Elizabeth Lodowski

~~276-7~~

504 Riley Rd.

32-2-41.2

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JUNE 14, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 237.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-28

NAME & ADDRESS:

**Elizabeth Fodrowski
276 Temple Hill Road - Unit 2410
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.06-14-2005



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #05-28

TYPE:USE TELEPHONE: 565-4590

APPLICANT:

Elizabeth Fodrowski
276 Temple Hill Road - Unit 2410
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>5761</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #5760



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>5</u>	PAGES	\$ <u>27.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: \$ _____

TOTAL:	\$ <u>27.50</u>	\$ <u>35.00</u>
--------	-----------------	-----------------



ESCROW POSTED: \$300.00
LESS: DISBURSEMENTS: \$ 62.50

AMOUNT DUE: \$ _____

REFUND DUE: \$ 237.50

Cc:

L.R. 06-14-2005

APPLICATION WITHDRAWN BY APPLICANT

ELIZABETH FODROWSKI (05-28)

MR. KANE: Request for a use variance to permit two one-family dwellings on one lot at 504 Riley Road.

Mr. and Mrs. Fodrowski and Ms. Tracy Fierro appeared before the board for this proposal.

MS. FIERRO: I'm the daughter, Tracy, this is my mother, Elizabeth and Eddy Fodrowski, we're trying to do property that would remain in my grandmother's name, we wish to build a single-family house on it. I also brought with me pictures of the property, signatures of our neighbor that new, also the floor plan of how big the house would be, any trees that would come down. The condo that we live in now due to my father's new surgery and Lyme disease the stairs are too much. I took pictures of the stairs in which they have to climb, it's three separate sections of stairs, during the winter, you can't even get down them. We wish to build on my grandmother's property who my mother will be inheriting that property, she wishes to build on for now and that property would remain in my grandmother's name. We wish to build farther back from her original house and with my grandmother's passing we have a signed living will, the house would come down, her house would then be torn down, it would be then remaining single family dwelling on the lot. We only ask that temporarily it becomes a two house dwelling until such time because my grandmother wants to keep her original house she wants to remain in there.

MR. KANE: For a variance it looks like you have everything you need, a use variance is a whole different ball game, there are certain requirements that are state mandated, they have nothing to do with the feeling of this board and what they would want to do, you have to meet those requirements and basically to get a use variance number one you have to prove in dollar and cents that you cannot sell that property for the intended use which is a single-family home at a reasonable return which doesn't mean make money. So it means that if you can prove to us in dollar and cents with a viable authority that you cannot sell the property and the house as a single-family home.

MS. FIERRO: After my parents build a home and turn around and sell it?

MR. KANE: I mean right now before you start anything.

MS. FIERRO: Because the property won't be in my mother's name at all.

MR. KANE: Doesn't matter. It matters that you have to prove that you can't sell it as a single-family home which is impossible to do so, you're knocked down automatically, this is state mandated, has nothing to do with the town rules and then the other line becomes a self-created hardship which depending on what's going on that could be in but I don't see how that would apply, you have to get passed those are the two major points out of the five. Right?

MR. KRIEGER: Yes.

MR. KANE: I just don't understand how that would, how could you prove that to this particular board.

MS. FIERRO: We did try going outside and trying to buy a home without the use of my grandmother's property, unfortunately, my mother can't afford to buy the house outside what it is. When she talked to her bank he wouldn't redo her house loan when she spoke to him, said I would like a house, this condo's too small, it's really not the conditions, he said it would be cheaper for her to get a loan for a house, the payments would be down more, my father could cut down and work and finally retire to get a home versus them redoing the loan but I'm, the amount of money she's allowed to get the loan does not allow her to move out of the condo into a separate house outside of my grandmother's property and that's where she's stuck. Unfortunately, I don't know if there's any legal agreement my mother could enter into to verify that she would not sell the property to get, you know.

MR. KANE: You're getting passed the edge of my knowledge, this is a first for me, I've been doing this for 15 years and I, you know, I don't know if a special permit from the town would work on that. You're really getting, there's not a lot this board can do to vary it, there's two or three things that I'm seeing that's going to knock you right down and I mean we can set you up for the hearing, you have a right to that and to do it but you need to go through a lot of expense for a use variance, totally different than a variance on a property to put up a shed or something like that, use variance is very difficult, extremely difficult and made so by the state.

MS. LOCEY: But have you considered putting an addition onto the existing home?

MRS. FODROWSKI: No, we haven't.

MR. KANE: It's an old home, it needs to be knocked down, right, it may become that, that might be your option, I wish I had better answers for you on this. The only thing I can tell you at this point is that if you wanted to consult a lawyer to see if there's, what he would advise the procedures you can take, I mean, the only thing that comes to me is a special permit from the town that allows that with X amount of time, I don't even know if that's doable. I don't know all the requirements for that.

MR. FODROWSKI: You'd advise us to get a lawyer?

MR. KANE: Talk to him and see what your options are because the use variance is very, very tough, our hands are tied in a lot of ways and unless you can prove it, and the biggest thing is proving that you can't sell the property for a single family home that doesn't mean make a profit, that means a reasonable return, so even if you sell it at a loss, you know, I just don't see how we're going to get around that. So normally we've had other buildings that were old factories in the neighborhood and they'd come out and show us that pulling down this particular thing, raise it and put it up the price was totally different and exorbitant so that was one way of getting round that.

MR. BABCOCK: Look at that, I agree with Kathleen that the new house if they could locate it somewhere near the existing house and connect it with a breezeway of some type so it's attached.

MR. KANE: Then you would have one home.

MR. BABCOCK: Well, they're in an R-3 zone which allows two family homes but their lot's not big enough, they'd have to come back here for area variances which is something they could do.

MR. KANE: This is a different way to go, that doesn't mean it's a yes.

MR. FODROWSKI: If we build a house for argument's sake 15 feet from the existing house and attached it

with a breezeway.

MR. KANE: Then you come in looking first you're allowed to have a second family home.

MR. KRIEGER: Then you have one house.

MR. BABCOCK: One two family.

MR. KANE: The property isn't big enough for that but you can come in for a variance on the property size on that.

MR. KRIEGER: The rules are different for that, the board their hands are not tied like they are with this.

MS. FIERRO: Would you need additional information for that? Is what you have essential for what you would need for request or would you need something else?

MR. KANE: What you are going to do is bring in some--

MR. BABCOCK: They would have to change their application.

MR. KANE: You would just if you don't want to proceed you can just cut right here and you stop, you would go out and probably get your plans for new building, come in front of the zoning board, you'd have to again go to the building department, they'd have to deny you so you'll go with your plans, they'll say it's a two-family house but you don't have enough there, you'd have to put it on, you need to get a variance, they'll deny your permit at that point then you can come back in front of us at some point and make a request for an area variance. So you need to get, design your building and all of that stuff and come back.

MS. FIERRO: And the house with the breezeway and our house.

MR. KANE: You need to emphasize that it's a great idea, I can in no way say that we'll pass it.

MR. KRIEGER: There's no guarantee as to what the result will be but the law being the way it is.

MR. KANE: If you want to remove your application for the use variance and you'll consult, find out everything that you can do and then you'll need to get

May 23, 2005

14

back to the building department with a plan.



RESULTS OF Z.B.A. MEETING OF: May 23, 2005

PROJECT: Elizabeth Fedowski ZBA # 05-28
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
~~MCDONALD~~ _____
REIS _____ CARRIED: Y _____ N _____
KANE _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

*Advised to consult an attorney
Will change application to - an addition to existing house.
Application withdrawn on the record.*

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 5/2/05

APPLICANT: Dream Homes LLC.
12 Sulky Drive
Newburgh, NY 12550

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 4/29/05

FOR : Arthur R. McGhee

LOCATED AT: 504 Riley Road

ZONE: R-3 Sec/Blk/ Lot: 32-2-41.2

DESCRIPTION OF EXISTING SITE: 1) One family Dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 300-8 Use/Bulk Regulations R-3 zone Column A-6

1. One family dwelling not to exceed (1) dwelling on each lot. Proposed 2-one family dwellings on one lot. A use variance to permit 2-one family dwellings on one lot is required.


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3	USE: (1) One family Dwelling/lot	(2) One family Dwellings/lot	(2) One family Dwellings on one lot
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

LOU

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

APR 29 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2005-297

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises MARIAN MCGEE

Address 504 BILEY RD Phone # 564-7106

Mailing Address SAME Fax # _____

Name of Architect MODULAR HOMES

Address _____ Phone _____

Mail all info to:
SALES

Name of Contractor WIKHAM HOMES L.L.C.

Address 12 SULKY DR. NEWBORCH NY Phone 566-9626

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer. William R. Loman Pres.

(Name and title of corporate officer)

1. On what street is property located? On the E side of RIEY, RD.
(N, S, E or W)
and _____ feet from the intersection of RIEY RD & LOT
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 32 Block 2 Lot 41.2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy FAMILY
 - b. Intended use and occupancy FAMILY
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 46 Rear 46 Depth 26 Height _____ No. of stories 2 CAPE
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____
Number of bedrooms 4 Baths 3 Toilets 3 Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water X If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10 Estimated cost \$250,000⁰⁰

Fee \$50 — Ch# 1068

ZONING BOARD

PAID

LOW

date



APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

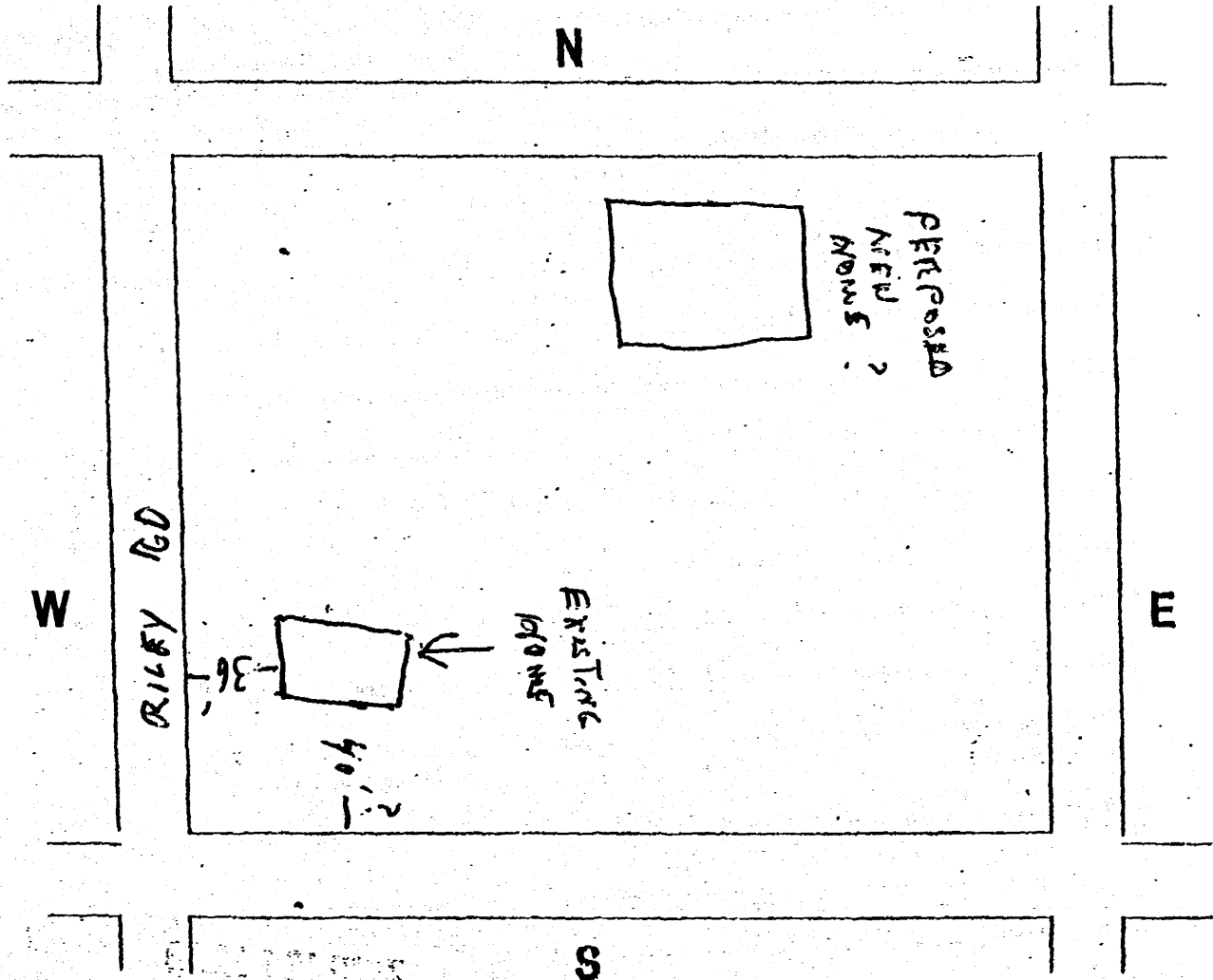
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

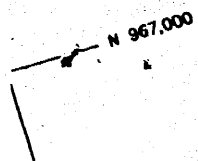
PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION

3



SECTION

4

34

SECTION

90

(THRUWAY)

Town of New Windsor

Town of New Windsor

50

51.2
11.2A(C)

SECTION

35

ENTRAL SCHOOL DISTRICT

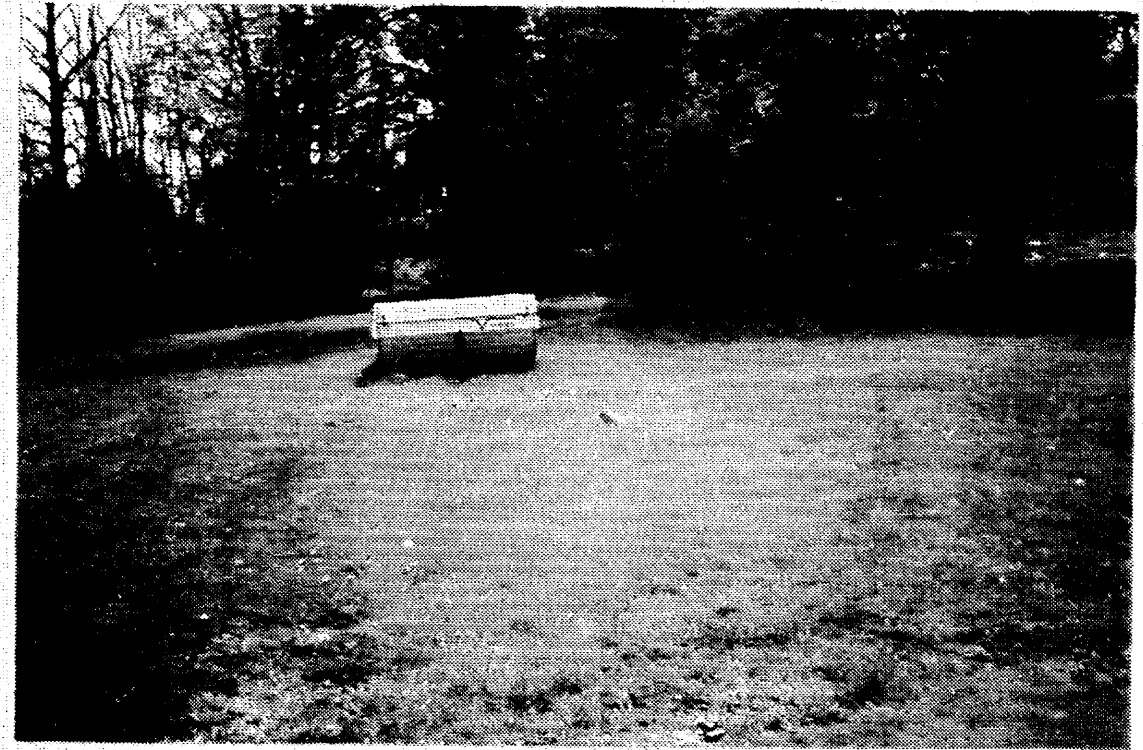
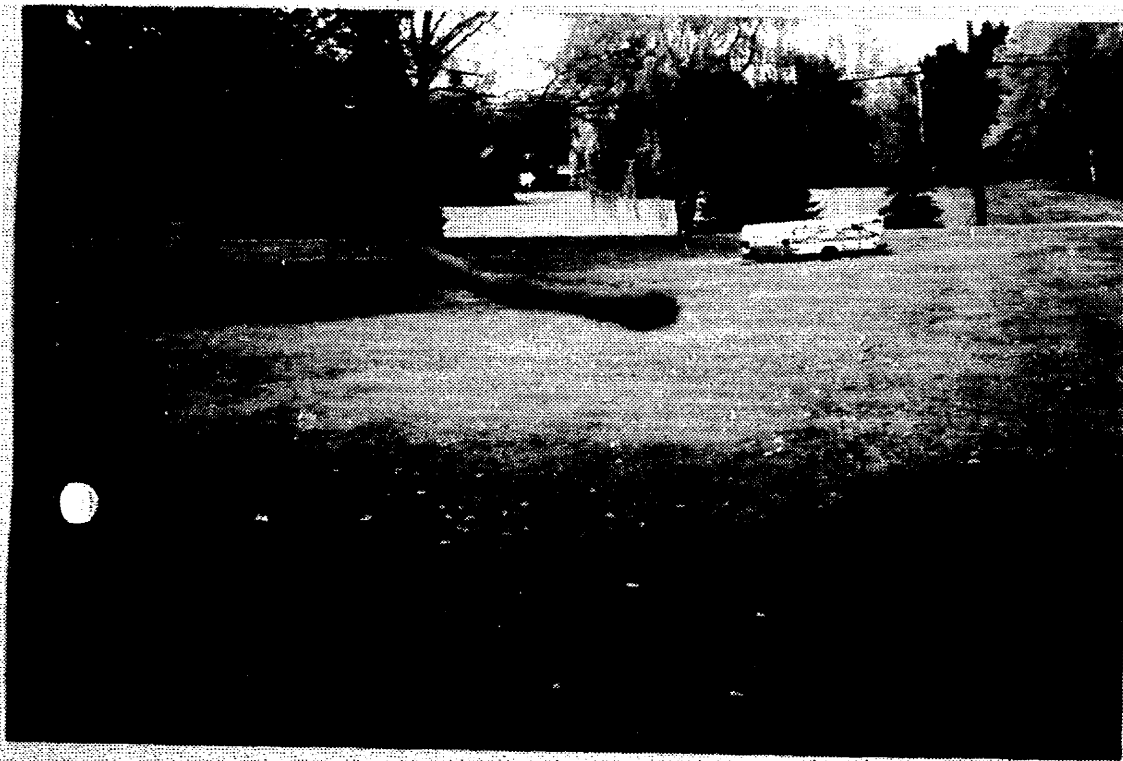
UCT NEWBURGH SCHOOL DISTRICT

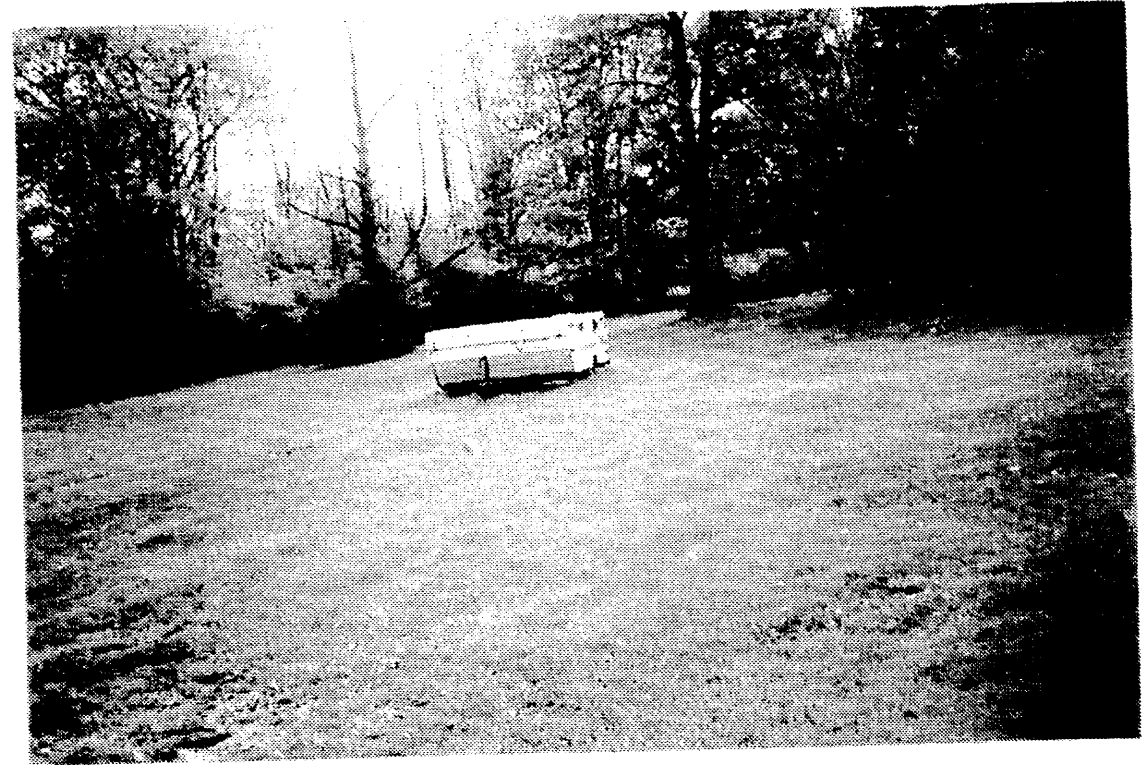
SCHOOL DISTRICT

SCHOOL DISTRICT

SCHOOL DISTRICT

CITY





Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#467-2005

05/19/2005

Fodrowski, Elizabeth M. *ZBA 05-28*

Received \$ 50.00 for Zoning Board Fees, on 05/19/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 05-19-2005

FOR: ESCROW 05-28

FROM:

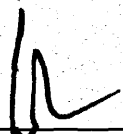
Elizabeth Fodrowski
276 Temple Hill Road - Unit 2410
New Windsor, NY 12553

CHECK NUMBER: 5760

TELEPHONE: 565-4590

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

5/20/05

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

May 19, 2005

**Elizabeth Fodrowski
276 Temple Hill Road - Unit 2410
New Windsor, NY 12553**

SUBJECT: REQUEST FOR VARIANCE 05-28

Dear Ms. Fodrowski:

This letter is to inform you that you have been placed on the March 23, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**504 Riley Road
New Windsor, NY**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

**Myra Mason, Secretary
Zoning Board of Appeals**

MLM:mlm



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

5/11/05

Date

Application Type: Use Variance ☒ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 564-7106

Marian M. McGhee

Fax Number: ()

(Name)

RD 2 Box 504 Riley Rd New Windsor NY 12553

(Address)

II. Applicant:

Phone Number: (845) 565-4590

Elizabeth Fodrowski

Fax Number: ()

(Name)

276 Temple Hill Rd unit 2410 New Windsor NY 12553

(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: (845) 565-4590

Elizabeth Fodrowski

Fax Number: ()

(Name)

276 Temple Hill Rd unit 2410 New Windsor NY 12553

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 566-9626

DREAM HOMES LLC

Fax Number: (845) 566-9649

(Name)

12 SULKY RD, NEWBOROUGH NY 12550

(Address)

V. Property Information:

Zone: _____ Property Address in Question: 504 Riley Rd New Windsor NY

Lot Size: _____ Tax Map Number: Section 32 Block 2 Lot 41.2

a. What other zones lie within 500 feet? _____

b. Is pending sale or lease subject to ZBA approval of this Application? _____

c. When was property purchased by present owner? YES

d. Has property been subdivided previously? yes If so, When: 1975

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? no

f. Is there any outside storage at the property now or is any proposed? no

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

Describe proposal:

For the usage of section 32 block 2 Lot 41.2
as location for a new single family home. Until such
time the property is inherited and original house is
removed. There will be an understanding that nothing
else would stand in its place.

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

Due to disabilities brought on by Lyme Disease and disc surgery,
the stairs leading to my home have become an obstacle. This
problem is also suffered by my husband, who has a bad knee.
He has had knee replacement. However, his other health factors
and knee restrictions still exist. Granting the "Use Variance" would
also help us financially. My husband is 72 and wishes to merge
into retirement. Being in a small space, we must pay for outside
storage and common charges. After speaking with our loan manager,
we discovered buying a home vs. refinancing is better.
Monthly payments will be lower as well as no additional costs
to maintain the condo. My husband can begin to retire and
look after his own well being.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

At this time home will improve the
look of the neighborhood. Resulting in increase of
value and taxes of that property. Under no circumstances
will the safety or welfare of neighborhood be
compromised. Home will be used as a residence only.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Current home on property would be removed upon my mother's
passing. Dead trees and bushes would be cut and trimmed down.
Paving would be restricted to parking area only. Drainage would be carefully planned
XIII. ATTACHMENTS REQUIRED: with neighbors best interest in mind.

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

11th day of May 2005.

Deborah Green
Signature and Stamp of Notary

Marian T. McEhee
Owner's Signature (Notarized)

MARIAN T. McEhee
Owner's Name (Please Print)

Elizabeth Todorovsk
Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Marian T McShee, deposes and says that he resides
(OWNER)

at 504 Riley Rd New Windsor, NY 12553 in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 32 Block 2 Lot 41.2)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Elizabeth Fodrowski: 276 Temple Hill Rd unit 2410 New Windsor
(Applicant Name & Address, if different from owner) NY 12553

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: May 11, 2005

Sworn to before me this
11th day of May 2005

Marian T. McShee
Owner's Signature (MUST BE NOTARIZED)

Elizabeth Fodrowski
Applicant's Signature (If different than owner)

Representative's Signature

Deborah Green
Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I--PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Elizabeth Fodrowski</u>	2. PROJECT NAME <u>Elizabeth Fodrowski</u>
3. PROJECT LOCATION: Municipality <u>504 Riley Road New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>504 Riley Road New Windsor NY 12553</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>place second home on family property</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>minimum</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Elizabeth Fodrowski</u>	Date: <u>5/11/05</u>
Signature: <u>Elizabeth Fodrowski</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?

☐ Yes ☐ No

If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: *no*

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: *no*

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: *no*

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: *no*

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: *no*

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: *no*

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: *no*

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☒ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

5/23



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.